

1	UNITED STATES DISTRICT COURT	
2	DISTRICT OF NEVADA	
3	TONY ALLEN PRESSLER,	Case No. 3:20-cv-00670-GMN-CLB
4	Plaintiff	ORDER
5	v.	
6	COUNTY OF ELKO et al.,	
7	Defendants	
8		

9 **I. DISCUSSION**

10 Defendant Elko County has filed a petition for removal and request for
11 consolidation. (ECF No. 1 at 1). In the petition for removal, Defendant has attempted to
12 remove three different state court actions initiated by the same Plaintiff into this one
13 federal case. (*Id.* at 2-4). Additionally, Defendant requests that the Court screen all three
14 operative complaints in the three different state court actions¹ and suggests that the Court
15 consolidate all three of these cases into one action in federal district court. (*Id.*)

16 The Court finds that the instant case has been opened in error. Defendant is
17 attempting to remove three state court actions into one federal action and is attempting
18 to consolidate these actions on its own. The removal statutes permit defendants to
19 remove one “civil action” at a time to federal court. See generally 28 U.S.C. § 1441(a).
20 Moreover, it is the purview of this Court, and not the Defendant, to decide whether to
21 consolidate multiple actions. See Fed. R. Civ. P. 42. Accordingly, the Court finds that
22 Defendant has attempted to erroneously remove three state court actions into one case.
23 The Court administratively closes this action, remands the cases back to state court, and
24 directs Defendant to properly remove the state court actions individually before moving
25 for consolidation.

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28 ¹ See ECF Nos. 1-1, 1-3, 1-5.

II. CONCLUSION

For the foregoing reasons, the Clerk of the Court is directed to administratively close this case and remand the three state court actions back to state court.

DATED THIS 3 day of December 2020.

Gloria M. Navarro, Judge
United States District Court